

ENTERED

July 09, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GREGORY ROSS and MARY A. ROSS,

Plaintiffs,

VS.

SPECIALIZED LOAN SERVICING, LLC
and FEDERAL HOME LOAN
MORTGAGE CORPORATION,

Defendants.

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CIVIL ACTION NO. H-19-1199

ORDER

In March 2019, Gregory Ross and Mary Ross sued Specialized Loan Servicing, LLC and Federal Home Loan Mortgage Corporation in Texas state court over a foreclosure dispute. (Docket Entry No. 1-4). The defendants timely removed and have moved to dismiss under Federal Rule of Civil Procedure 12(b). (Docket Entry Nos. 1, 9). Asking the court to take judicial notice of a deed of trust, an assignment of a deed of trust, and a substitute trustee's deed, the defendants argue that the Rosses have failed to state a plausible claim, as Rules 8(a) and 9(b) require. (Docket Entry No. 9). The Rosses responded and appear to dispute the validity of the documents that the defendants have submitted for judicial notice. (*See* Docket Entry No. 13 at 1). As a result, the court denies the defendants' motion to dismiss, (Docket Entry No. 9), and directs them to move for summary judgment by **August 16, 2019**. The plaintiffs must respond by **September 13, 2019**. The hearing set for August 16, 2019, is reset to **September 27, 2019, at 9:00 a.m.**

SIGNED on July 9, 2019, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge